

(C) procedures to ensure that persons are not incorrectly identified pursuant to this section. (Added Pub. L. 104-134, title III, § 31001(r)(1), Apr. 26, 1996, 110 Stat. 1321-372.)

SUBCHAPTER III—CLAIMS AGAINST THE UNITED STATES GOVERNMENT

§ 3721. Claims of personnel of agencies and the District of Columbia government for personal property damage or loss

(a) In this section—

(1) “agency” does not include a nonappropriated fund activity or a contractor with the United States Government.

(2) “head of an agency” means—

(A) for a military department, the Secretary of the military department;

(B) for the Department of Defense (except the military departments), the Secretary of Defense; and

(C) for another agency, the head of the agency.

(3) “settle” means consider, determine, adjust, and dispose of a claim by disallowance or by complete or partial allowance.

(b)(1) The head of an agency may settle and pay not more than \$40,000 for a claim against the Government made by a member of the uniformed services under the jurisdiction of the agency or by an officer or employee of the agency for damage to, or loss of, personal property incident to service. If, however, the claim arose from an emergency evacuation or from extraordinary circumstances, the amount settled and paid under the authority of the preceding sentence may exceed \$40,000, but may not exceed \$100,000. A claim allowed under this subsection may be paid in money or the personal property replaced in kind.

(2) The Secretary of State may waive the settlement and payment limitation referred to in paragraph (1) for claims for damage or loss by United States Government personnel under the jurisdiction of a chief of mission in a foreign country if such claims arise in circumstances where there is in effect a departure from the country authorized or ordered under circumstances described in section 5522(a) of title 5, if the Secretary determines that there exists exceptional circumstances that warrant such a waiver.

(c) On paying a claim under this section, the Government is subrogated for the amount of the payment to a right or claim that the claimant may have against a foreign country for the damage or loss for which the Government made the payment.

(d) The Mayor of the District of Columbia may settle and pay a claim against the District of Columbia government made by an officer or employee of the District of Columbia government to the same extent the head of an agency may settle and pay a claim under this section.

(e) A claim may not be allowed under this section if the personal property damage or loss occurred at quarters occupied by the claimant in a State or the District of Columbia that were not assigned or provided in kind by the United States Government or the District of Columbia government.

(f) A claim may be allowed under this section only if—

(1) the claim is substantiated;

(2) the head of the agency decides that possession of the property was reasonable or useful under the circumstances; and

(3) no part of the loss was caused by any negligent or wrongful act of the claimant or an agent or employee of the claimant.

(g) A claim may be allowed under this section only if it is presented in writing within 2 years after the claim accrues. However, if a claim under subsection (b) of this section accrues during war or an armed conflict in which an armed force of the United States is involved, or has accrued within 2 years before war or an armed conflict begins, and for cause shown, the claim must be presented within 2 years after the cause no longer exists or after the war or armed conflict ends, whichever is earlier. An armed conflict begins and ends as stated in a concurrent resolution of Congress or a decision of the President.

(h) The head of the agency—

(1) may settle and pay a claim made by the surviving spouse, child, parent, or brother or sister of a dead member, officer, or employee if the claim is otherwise payable under this section; and

(2) may settle and pay the claims by the survivors only in the following order:

(A) the spouse's claim.

(B) a child's claim.

(C) a parent's claim.

(D) a brother's or sister's claim.

(i) Notwithstanding a contract, the representative of a claimant may not receive more than 10 percent of a payment of a claim made under this section for services related to the claim. A person violating this subsection shall be fined not more than \$1,000.

(j) The President may prescribe policies to carry out this section (except subsection (b) to the extent that subsection (b) applies to the military departments, the Department of Defense, and the Coast Guard). Subject to those policies, the head of each agency shall prescribe regulations to carry out this section.

(k) Settlement of a claim under this section is final and conclusive.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 973; Pub. L. 97-452, § 1(17), Jan. 12, 1983, 96 Stat. 2474; Pub. L. 100-565, § 1, Oct. 31, 1988, 102 Stat. 2833; Pub. L. 103-236, title I, § 172(a), Apr. 30, 1994, 108 Stat. 412; Pub. L. 104-106, div. A, title X, § 1088(a), Feb. 10, 1996, 110 Stat. 458.)

HISTORICAL AND REVISION NOTES 1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3721(a), (b).	31:240(3). 31:241(a)(1)(1st sentence words after 3d comma, 2d sentence words after last comma, last sentence). 31:241(a)(2)(words after 1st comma).	Aug. 31, 1964, Pub. L. 88-558, §§ 2(3), 4, 78 Stat. 767, 768. Aug. 31, 1964, Pub. L. 88-558, § 3(a)(1), 78 Stat. 767; restated Sept. 15, 1965, Pub. L. 89-185, § 3(b), 79 Stat. 789; Oct. 18, 1974, Pub. L. 93-455, § 1(a), 88 Stat. 1381. Aug. 31, 1964, Pub. L. 88-558, § 3(a)(2), (3), (b)(2)-(d), 78 Stat. 767; restated Sept. 15, 1965, Pub. L. 89-185, § 3(b)-(d), 79 Stat. 789, 790.

HISTORICAL AND REVISION NOTES—CONTINUED
1982 ACT

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	31:241(b)(1)(1st sentence words after 5th comma, 2d sentence words after last comma, last sentence).	Aug. 31, 1964, Pub. L. 88-558, §3(b)(1), 78 Stat. 767; Sept. 15, 1965, Pub. L. 89-185, §3(b), 79 Stat. 790; July 13, 1972, Pub. L. 92-352, §106(a), 86 Stat. 491; restated Oct. 18, 1974, Pub. L. 93-455, §1(b), 88 Stat. 1381.
	31:243a(d)(2d sentence related to payment).	Aug. 31, 1964, Pub. L. 88-558, 78 Stat. 767, §9; added Dec. 12, 1980, Pub. L. 96-519, §1, 94 Stat. 3031.
3721(c)(1)	31:243a(a)(words after 1st comma).	
3721(c)(2)	31:243a(e).	
3721(c)(3)	31:243a(note).	Dec. 12, 1980, Pub. L. 96-519, §2, 94 Stat. 3032.
3721(d)	31:241(f).	Aug. 31, 1964, Pub. L. 88-558, 78 Stat. 767, §3(f); added Oct. 12, 1968, Pub. L. 90-561, 82 Stat. 998.
3721(e)	31:241(c)(2).	
3721(f)	31:241(a)(1)(2d sentence words before last comma), (b)(1)(2d sentence words before last comma), (c)(3).	
	31:243a(d)(2d sentence less payment, last sentence).	
3721(g)	31:241(c)(1), (d).	
	31:243a(c).	
3721(h)	31:241(a)(3), (b)(2).	
	31:243a(b).	
3721(i)	31:243.	Aug. 31, 1964, Pub. L. 88-558, 78 Stat. 767, §8; added Sept. 15, 1965, Pub. L. 89-185, §5, 79 Stat. 791.
3721(j)	31:241(a)(1)(1st sentence words before 3d comma), (2)(words before 1st comma), (b)(1)(1st sentence words before 5th comma).	
	31:243a(a)(words before 1st comma), (d)(1st sentence).	
3721(k)	31:242.	

In the section, the words “or his designee” are omitted as unnecessary.

In subsections (b) and (c), the word “civilian” is omitted as surplus.

In subsection (b), the words “arising after August 31, 1964” and “arising after October 18, 1974” and 31:241(a)(1)(last sentence) and (b)(1)(last sentence) are omitted as executed.

In subsection (c)(1)(B), the words “mob violence, terrorist attacks, or other” are omitted as surplus. The word “members” is added for consistency.

In subsection (c)(2), the words “in which that damage or loss occurred” are omitted as surplus.

In subsection (c)(3), the text of section 2(last sentence) of the Act of December 12, 1980 (Pub. L. 96-519, 94 Stat. 3032) is omitted as obsolete.

Subsection (d) is substituted for 31:241(f) because of the restatement.

In subsection (e), the words “assigned to him or otherwise” in 31:241(c)(2) are omitted as surplus. The words “or the District of Columbia government” are added because of the restatement.

In subsection (f), the words “the head of the agency decides” are substituted for “determined to be” in 31:241(b)(1) for clarity.

In subsection (g), the text of 31:243a(c)(words after 1st comma) are omitted as executed. The words “in writing” and “of the United States” in 31:241(c)(1) are omitted as unnecessary.

In subsection (h)(1), the words “the surviving . . . of a dead member, officer, or employee” are substituted for “If a person named in this subsection is dead” and “the decedent’s surviving” in 31:241(a)(3) and (b)(2) and “if such person is deceased” and “the decedent’s surviv-

ing” in 31:243a(b) to omit surplus words. The words “that arose before, concurrently with, or after the decedent’s death” in 31:241(a)(3) and (b)(2) and 31:243a(b) are omitted as surplus. The words “child, parent, or brother or sister” are substituted for “(2) children, (3) father or mother, or both, or (4) brothers or sisters, or both” to eliminate surplus words and because of 1:1. The words “otherwise payable” are substituted for “otherwise covered” for clarity.

Subsection (h)(2) is substituted for “Claims of survivors shall be settled and paid in the order named” in 31:241(a)(3) and (b)(2) and “Claims of survivors shall be settled and paid in the order set forth in the preceding sentence” in 31:243a(b) for clarity.

In subsection (i), the words “to the contrary” are omitted as surplus. The words “representative of a claimant” are substituted for “agent or attorney” for clarity and consistency. The words “be paid or delivered to or” are omitted as surplus. The word “payment” is substituted for “amount paid in settlement” to eliminate unnecessary words. The words “individual . . . submitted and settled . . . the authority of” are omitted as surplus. The words “and the same shall be unlawful” are omitted because of the restatement. The words “shall be deemed guilty of a misdemeanor and upon conviction thereof . . . in any sum” are omitted as surplus.

In subsection (j), the words “the purposes of” in 31:241(b)(1)(1st sentence words before 5th comma) are omitted as surplus. The words “(except subsection (b) to the extent that subsection (b) applies to the military departments, the Department of Defense, and the Coast Guard)” are substituted for the source provisions because of the restatement. The words “to carry out this section” after “regulations” are added for clarity.

In subsection (k), the words “Notwithstanding any other provision of law” are omitted as unnecessary.

1983 ACT

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3721(b)	31 App.:241(a)(1), (b)(1).	July 28, 1982, Pub. L. 97-226, §1(a), 96 Stat. 245.

AMENDMENTS

1996—Subsec. (b)(1). Pub. L. 104-106 inserted after first sentence “If, however, the claim arose from an emergency evacuation or from extraordinary circumstances, the amount settled and paid under the authority of the preceding sentence may exceed \$40,000, but may not exceed \$100,000.”

1994—Subsec. (b). Pub. L. 103-236 designated existing provisions as par. (1) and added par. (2).

1988—Subsec. (b). Pub. L. 100-565, §1(1), substituted “\$40,000” for “\$25,000”.

Subsec. (c). Pub. L. 100-565, §1(2), in amending subsec. (c) generally, redesignated former subsec. (c)(2) as (c) and substituted “section” for “subsection”, struck out par. (1) which authorized agency head to pay claim against Government for not more than \$40,000 to member of uniformed services, or officer or employee of agency, for damage to, or loss of, personal property in foreign country, incurred after December 30, 1978, incident to service, after evacuation from foreign country, and struck out par. (3) which limited amounts to be obligated or expended for claims to extent provided in advance in appropriation laws.

1983—Subsec. (b). Pub. L. 97-452 substituted “\$25,000” for “\$15,000”.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 1088(b) of Pub. L. 104-106 provided that: “The amendment made by subsection (a) [amending this section] shall apply to claims arising before, on, or after the date of the enactment of this Act [Feb. 10, 1996].”

EFFECTIVE DATE OF 1994 AMENDMENT

Section 172(b) of Pub. L. 103-236 provided that: “The amendments made by subsection (a) [amending this

section] shall apply with respect to claims arising on or after October 31, 1988.”

EFFECTIVE DATE OF 1988 AMENDMENT

Section 2 of Pub. L. 100-565 provided that: “The amendments made by this Act [amending this section] shall apply only to claims arising on or after the date of the enactment of this Act [Oct. 31, 1988].”

EFFECTIVE DATE OF 1983 AMENDMENT

Section 2(g) of Pub. L. 97-452 provided that: “The amendment made by section 1(17) of this Act [amending this section] applies only to claims arising after July 27, 1982.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

REPRESENTMENTS OF PREVIOUSLY PRESENTED CLAIMS

Section 1088(c) of Pub. L. 104-106 provided that:

“(1) A claim under subsection (b) of section 3721 of title 31, United States Code, that was settled under such section before the date of the enactment of this Act [Feb. 10, 1996] may be represented under such section, as amended by subsection (a), to the head of the agency concerned to recover the amount equal to the difference between the actual amount of the damage or loss and the amount settled and paid under the authority of such section before the date of the enactment of this Act, except that—

“(A) the claim shall be represented in writing within two years after the date of the enactment of this Act;

“(B) a determination of the actual amount of the damage or loss shall have been made by the head of the agency concerned pursuant to settlement of the claim under the authority of such section before the date of the enactment of this Act;

“(C) the claimant shall have proof of the determination referred to in subparagraph (B); and

“(D) the total of all amounts paid in settlement of the claim under the authority of such section may not exceed \$100,000.

“(2) Subsection (k) of such section shall not apply to bar representation of a claim described in paragraph (1), but shall apply to such a claim that is represented and settled under that section after the date of the enactment of this Act.”

§ 3722. Claims of officers and employees at Government penal and correctional institutions

(a) The Attorney General may settle and pay not more than \$1,000 in any one case for a claim made by an officer or employee at a United States Government penal or correctional institution for damage to, or loss of, personal property incident to employment.

(b) A claim may not be allowed under this section if the loss occurred at quarters occupied by the claimant that were not assigned or provided in kind by the Government.

(c) A claim may be allowed only if—

(1) no part of the loss was caused by any negligent or wrongful act of the claimant or an agent or employee of the claimant;

(2) the Attorney General decides that possession of the property was reasonable or useful under the circumstances; and

(3) it is presented in writing within one year after it accrues.

(d) A claim may be paid under this section only if the claimant accepts the amount of the settlement in complete satisfaction of the claim.

(e) Necessary amounts are authorized to be appropriated to carry out this section.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 974.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3722(a)	31:238(1st sentence).	June 10, 1949, ch. 187, 63 Stat. 167.
3722(b)	31:238(2d sentence last 25 words before last semi-colon).	
3722(c)	31:238(2d sentence less last 25 words before last semi-colon).	
3722(d)	31:238(last sentence).	
3722(e)	31:238(note).	

In subsection (a), the words “and such other officer or officers as he may designate for such purpose” are omitted as unnecessary because of 28:509. The word “settle” is substituted for “consider, determine, adjust” for consistency. The words “the sum of” are omitted as surplus. The words “officer or employee” are substituted for “persons employed” for consistency in the revised title and with other titles of the United States Code. The words “or destruction” are omitted as surplus.

In subsection (b), the words “assigned to him . . . otherwise” are omitted as surplus.

In subsection (c)(1), the words “no part” are substituted for “not . . . in whole or in part” because of the restatement.

In subsection (c)(2), the words “the Attorney General decides that possession of” are substituted for “is determined” for clarity. The words “claimed to be damaged, lost, or destroyed” and “necessary, or proper . . . attendant” are omitted as surplus.

In subsection (c)(3), the word “accrues” is substituted for “the occurrence of the accident or incident out of which such claim arises” to eliminate unnecessary words.

In subsection (d), the words “A claim may be paid under this section” are added for clarity. The words “the amount of the settlement” are substituted for “an award hereunder” for consistency. The words “in complete satisfaction of the claim” are substituted for “shall release the United States, its agents or employees, from any further claim by such claimant arising out of the same incident” to eliminate unnecessary words.

§ 3723. Small claims for privately owned property damage or loss

(a) The head of an agency (except a military department of the Department of Defense or the Coast Guard) may settle a claim for not more than \$1,000 for damage to, or loss of, privately owned property that—

(1) is caused by the negligence of an officer or employee of the United States Government acting within the scope of employment; and

(2) may not be settled under chapter 171 of title 28.

(b) A claim under this section may be allowed only if it is presented to the head of the agency within one year after it accrues.

(c) A claim under this section may be paid as provided in section 1304 of this title only if the